

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
KANSAS CITY DIVISION**

SKIP ERICHSEN,)	
)	
Plaintiff,)	
)	Case No. 4:15-cv-605
vs.)	Division No.
)	
SYNCHRONY BANK,)	
)	
Defendant.)	

PLAINTIFF’S COMPLAINT AND DEMAND FOR JURY TRIAL

SKIP ERICHSEN (“Plaintiff”), through his attorneys, alleges the following against SYNCHRONY BANK (“Defendant”):

INTRODUCTION

1. Plaintiff’s Complaint alleges that Defendant negligently, knowingly and/or willfully violated the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227 *et seq.*

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to 28 U.S.C. § 1331.
3. Because Defendant conducts business in the State of Missouri, personal jurisdiction is established.
4. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2).

PARTIES

5. Plaintiff is a natural person who resides in Kansas City, Jackson County, Missouri
6. Defendant is a business entity with its principal place of business in Kettering, Ohio.
7. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

8. Beginning in or around 2014, Defendant began placing telephone calls to Plaintiff's cellular telephone in its attempts to collect an alleged debt.
9. Defendant places telephone calls to Plaintiff's cellular telephone at phone number 816-813-79XX.
10. Defendant places telephone calls to Plaintiff from phone numbers including, but not limited to, 877-897-9497, 877-476-5232, and 330-433-5979.
11. Based upon the timing and frequency of Defendant's calls and per its prior business practices, Defendant's calls were placed with an automated dialing system ("auto-dialer").
12. Defendant's calls are for non-emergency purposes.
13. On at least three occasions, including but not limited to January 13, 2015 at 1:32 p.m., 2:01 p.m., and 2:28 p.m., Defendant spoke to Defendant's representatives and requested that Defendant stop placing calls to his cellular telephone.
14. Plaintiff revoked any consent, express or implied, to receive automated collection calls from Defendant.
15. Despite Plaintiff's request to cease, Defendant continued to use an auto dialer to call Plaintiff's cell phone at least eighty-six (86) times in an approximate one-month period.
16. Defendant knowingly, willfully, and intentionally continued to use an auto dialer to call Plaintiff's cell phone.

COUNT I
DEFENDANT VIOLATED THE TELEPHONE CONSUMER PROTECTION ACT

17. Defendant's actions alleged *supra* constitute numerous negligent violations of the TCPA, entitling Plaintiff to an award of \$500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B).

18. Defendant's actions alleged *supra* constitute numerous and multiple knowing and/or willful violates of the TCPA, entitling Plaintiff to an award of \$1500.00 in statutory damages for each and every violation pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

19. Statutory damages of \$500.00 for each and every negligent violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(B);
20. Statutory damages of \$1500.00 for each and every knowing and/or willful violation of the TCPA pursuant to 47 U.S.C. § (b)(3)(b) and 47 U.S.C. § (b)(3)(C);
21. All court costs, witness fees and other fees incurred; and
22. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

By: /s/ Raymond Probst

Raymond Probst

827 Armstrong Ave.

Kansas City, KS 66101

Tel: (913) 281-0699

rprobst@probst-law.com

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, SKIP ERICHSEN, demands a jury trial in this case.